

Rules for Hiring Outside Consultants **Under MGL Ch. 44 s. 53G**

CONSERVATION COMMISSION **(Conservation, Wetlands, Watershed Resources- G.L. c.40, s. 8C)**

1. The Rockport Conservation Commission hereby adopts the following rules in accordance with the authority of G. L. c. 44, s. 53G.
2. When reviewing an application for, or when conducting inspections in relation to, a Notice of Intent or a Notice of Resource Area Delineation, the Rockport Conservation Commission may determine that the assistance of outside consultants is warranted due to the size, scale, technical or scientific complexity or a proposed project, because of a project's potential impacts, or because the Rockport Conservation Commission lacks the necessary expertise to perform the work related to the proposal.
3. If the Commission determines that such assistance of outside consultant (s) is warranted, it may require applicant(s) to pay a "project review fee" consisting of the reasonable cost incurred by the Rockport Conservation Commission to assist in the review of a proposed project.
4. In hiring outside consultant(s), the Commission may engage engineers, planners, lawyers, urban designers or any other appropriate professional who can assist the Commission in analyzing the project and to ensure compliance with all relevant laws, bylaws, and regulations. Such assistance may include, but is not limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Rockport Wetlands By-Law and the MA Wetlands Protection Act regulations or decision, or inspecting a project during construction or implementation.
5. Funds received by the Commission pursuant to these rules shall be deposited with the municipal treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Commission without further appropriation. Expenditures from this special account shall be made only for services rendered in connection with a specific project or projects for which a project review fee has been or will be collected from the applicant. Accrued interest may also be spent for this purpose. Failure of an applicant to pay a review fee shall be grounds for denial of the permit.
6. At the completion of the Commission's review of a project, any excess amount in the account, including interest, attributable to a specific project shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or applicant's successor in interest. For the purpose of this rule, any person or entity claiming to be an applicant's

successor in interest shall provide the Commission with documentation establishing such succession in interest.

7. Any applicant may take an administrative appeal from the selection of the outside consultant to the Board of Selectmen. Such appeal must be made in writing and may be taken only within 20 days after the Commission has mailed, by first class mail, or hand-delivered notice to the applicant of the selection. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field. The required time limit for action upon an application by the Commission shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within one month following the filing of the appeal, the selection made by the Commission shall stand.

This Policy was accepted by the Rockport Conservation Commission at its April 6, 2005 meeting.